

REMARKS

Claims 1 to 14 are pending. Claims 1 and 14 are currently amended. Applicant acknowledges with thanks the acceptance of the claims and replacement specification, abstract and drawings presented in the previous response. Reconsideration of the application is requested.

§ 112 Rejections

Claim 14 is rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended Claim 14 to remove the language the Examiner deemed unclear, namely the phrase “modified silicone systems”. Applicant submits that the rejection of claim 14 under 35 USC § 112, second paragraph, has been overcome, and that the rejection should be withdrawn.

§ 102 Rejections

Claims 1-8 and 10-14 are rejected under 35 USC § 102(b) as being anticipated by U.S. Patent 6,197,397 to Sher et al. (“Sher”). The Examiner takes the position that the silicone rubber roll disclosed in Sher is a printing material. The rubber roll in Sher provides no structure, it merely is a roll that the liner passes through during embossing. The structure is actually imparted by the engraved pattern on the metal roll. Applicant has amended Claim 1 in order to clarify for the Examiner that the present relief structure comprises the printing material. The printing material in Sher, as asserted by the Examiner, does not remain on the carrier. Support for the amendment can be found, for example, in the Figures of the present application.

Claims 2-8 and 10-14 depend, either directly or indirectly, from Claim 1 and therefore are patentable for the reasons previously discussed.

The rejection of claims 1-8 and 10-14 under 35 USC § 102(b) as being anticipated by Sher has been overcome and should be withdrawn.

§ 103 Rejections

Claims 7 and 9 are rejected under 35 USC § 103(a) as being unpatentable over Sher. As stated above, Sher fails to disclose a relief structure that comprises the printing material recited on Claim 1. Claims 7 and 9 each depend from Claim 1 and are therefore patentable for the reasons discussed above.

The rejection of claims 7 and 9 under 35 USC § 103(a) as being unpatentable over Sher has been overcome and should be withdrawn.

Double Patenting

Claims 1-14 are provisionally rejected on the ground of nonstatutory obviousness type double patenting as being unpatentable over Claims 10-13 of Sher. Applicant respectfully defers the response to this rejection until the Examiner has considered the present amendments and the argument that these amendments make the present claims patentable, without any limitation, over Sher.

In view of the above, it is submitted that the application is in condition for allowance. Examination and reconsideration of the application as amended is requested.

Respectfully submitted,

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